

FILED

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

DEC 10 2008

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

DAROLD J. STENSON,

Plaintiff-Appellee,

v.

ELDON VAIL,

Defendant-Appellant.

No. 08-35974

D.C. No. 2:08-cv-05079-LRS  
Eastern District of Washington

ORDER

Before: SCHROEDER, KLEINFELD, and BEA, Circuit Judges

Appellant's motion to dismiss this appeal as moot is granted.